

REALTY TRANSFER CERTIFICATE

CONFIDENTIAL TAX DOCUMENT

WHO MUST FILE: Any party transferring real property regardless of whether the transfer is or is not evidenced by deed or instrument or any party presenting an instrument or deed evidencing a transfer of real estate for recordation. Real estate includes land, growing timber, buildings, structures, fixtures, fences, and improvements affixed to land.

YOU MAY OWE INCOME TAXES: Any gain on this transfer is Montana source income and should be reported to the Department of Revenue on the appropriate income tax return.

WHEN AND WHERE TO FILE:

The completed Realty Transfer Certificate must be filed with the County Clerk & Recorder when the instrument or deed evidencing a transfer of real estate is presented for recording.

If the transfer is by operation of law, then a Realty Transfer Certificate with the required supporting documentation should be filed with the local Department of Revenue Office where the property is located. Please see Part 4 for further detailed information.

The Department of Revenue will change the ownership record when this form is fully and accurately completed and signed.

PART 1 – DATE OF TRANSFER (SALE)

This should be the date on which the instrument or deed was executed (the date the instrument or deed was signed by the Seller (Grantor) and Buyer (Grantee) unless otherwise specified in the deed or date of decedent's death). Contracts for Deed and Notices of Purchaser's Interest should use the date the contract or notice was initially signed, not the date the contract was finalized.

PART 2 – PARTIES

Seller (Grantor)/ Buyer (Grantee): Enter the names of the seller (grantor) and buyer (grantee) exactly as they appear on the transferring document. Business organizations, corporations, trusts, etc. should enter their name(s) exactly as it appears on the transferring document.

Addresses: For the seller (grantor) enter the current mailing address. The seller (grantor) and the buyer (grantee) are requested to mark Yes or No to indicate if the property subject to this transfer has been or will be the location of their principal residence. A principal residence is a residential dwelling that was occupied, in the case of the seller (grantor), or will be occupied, in the case of the buyer (grantee), by the owner for at least 7 months (198 days) of the calendar year. For the buyer (grantee) enter the permanent mailing address. If the tax notice is to be sent to a different mailing address, please complete the additional mailing information.

SSN or FEIN: For individuals, list the last 4 digits of the social security number of all legal owners named in the transferring document. Business organizations, corporations, trusts, etc. list the last 4 digits of the federal ID number(s) of the legal entity(ies) named in the transferring document, § 15-1-201, MCA and 42 USC § 405(c)(2)(C)(i)(iv). The Department of Revenue utilizes personal identification numbers to cross match Realty Transfer Certificates with income tax returns to ascertain taxpayer compliance on gains from real estate sales or transfers and to identify delinquent taxpayers. Additional SSN or FEIN numbers (last 4 digits) may be provided on an attachment.

Daytime Phone: Enter phone numbers for both the seller (grantor) and buyer (grantee).

PART 3 – PROPERTY DESCRIPTION

This section identifies the parcel that is being transferred by location and is the legal description found on the instrument or deed conveying the real estate or the abstract to the real estate.

The property description may be provided on an attachment, and be identified by checking the applicable box.

PART 4 – TYPE OF TRANSFER (Please refer to "When and Where to File" above.)

Transfer by Recorded Instrument: Check the box(es) that apply to the type of transfer for which an instrument has been recorded with the County Clerk and Recorder.

Transfer by Operation of Law: Check the box(es) that apply to the type of transfer. A copy of the following applicable documentation must be attached to the Realty Transfer Certificate.

- Termination of Joint Tenancy by Death – death certificate and deed that created the joint tenancy with right of survivorship.
- Court Decree -
 - Personal Representative, Special Administrator or Public Administrator – death certificate, order of appointment and letters of administration and an affidavit that their appointment has not been terminated.
 - Conservator – Order of Appointment and Letter of Conservatorship or copy of the order terminating the conservatorship.
- Merger, consolidation or other business reorganization – Plan of Reorganization.
- Name change only – documents filed with the Secretary of State to accomplish the name change.

PART 5 – EXCEPTION FROM PROVIDING SALES PRICE INFORMATION

If any of the exceptions listed apply to this transfer, please check the appropriate line and do not complete Section 6. If you are unsure whether this transaction should be defined as an exception, or if you have any other questions concerning exception status, please request a determination from your local Department of Revenue Office.

PART 6 – SALE INFORMATION (If there is no exception checked in Part 5, you must complete this section.)

CONFIDENTIALITY: Sale information is confidential and only for official use by the Department of Revenue.

Enter the total purchase price paid for the sale parcel. This should include cash, mortgages, property traded, liabilities assumed, leases, easements and personal property.

Financing: If you paid cash for the entire sale parcel, check the box in front of Cash. If you financed the property by receiving a loan indicate the type by checking the appropriate box; Federal Housing Administration (FHA) Loan, Veterans Administration (VA) Loan or Conventional. If this was a contract for deed or trust indenture, indicate by checking the box in front of Contract. If there was some other type of financing used such as a Montana Board of Housing Loan, trade of property, etc. please indicate by checking the box in front of Other. Also, indicate whether this was a new loan or an assumption of an existing loan.

Personal Property: Enter the dollar amount of any personal property included with the sale of this parcel. Personal property includes furniture and fixtures, business and farm equipment, livestock, recreational vehicles, leases and easements, and mobile homes. Anything that is permanently attached to the real estate should not be included. Negligible personal property included in a residential sale need not be reported.

SID (Special Improvement District – liens levied against the property for amenities like street paving, sewers, water systems, etc.): Please answer the questions by checking the appropriate boxes, also include the amount of the SID paid or assumed.

Value of Inventory: Please provide the value of any business inventory that was included in the sales price.

Value of Licenses: Please provide the value of any licenses included in the sales price i.e., liquor licenses, gambling licenses, etc.

Value of Good Will: Please provide the value of Good Will included in the sale price. (Good Will is defined as "the economic advantage over competitors that a business has acquired by virtue of habitual patronage of customers".)

PART 7 – WATER RIGHTS DISCLOSURE – This disclosure must be completed and signed by the seller or the seller's legally appointed agent. Refer to page 2 for further information about the disclosure. If Box D has been checked, the Certification of Water Right Ownership Update (page 5) must also be signed by the seller (grantor), the buyer (grantee), and the escrow agent (if applicable) to enable recordation of the deed or instrument by the County Clerk and Recorder.

PART 8 – PREPARER INFORMATION – All Realty Transfer Certificates must be signed and dated by the preparer. By his/her signature the preparer indicates the information provided is true and correct to the best of his/her knowledge, that the seller (grantor) and the buyer (grantee) have examined the completed Realty Transfer Certificate and agree the information contained within is correct and accurate.

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The information contained in this certificate is confidential by Montana law. Unauthorized disclosure of this information is a criminal offense.

GEOCODE(S) _____

ASSESSMENT CODE: _____

The Department of Revenue will change the name on ownership records used for the assessment and taxation of real property when this form is fully and accurately completed and signed. (Please read the attached instructions on page 1 for assistance in completing and filing this form).

Montana law requires this form be completed and may impose up to a \$500 penalty for failure to file a Realty Transfer Certificate (15-7-304, 305 and 310, MCA)

PART 1 - DATE OF TRANSFER (SALE)

(MM/DD/YYYY)

PART 2 - PARTIES

Please complete this section in full, if additional space is required, please attach a separate page

SELLER (Grantor)

Name _____
Mailing Address _____
(Permanent) _____
City _____ ST _____ Zip _____

Seller Principal Residence ☐ Yes ☐ No

List the last 4 digits of the SSN or FEIN

SSN 000 - 00 - _____
SSN 000 - 00 - _____
FEIN 00 - 000 _____
Daytime Phone _____

BUYER (Grantee)

Name _____
Mailing Address _____
(Permanent) _____
City _____ ST _____ Zip _____

Buyer Principal Residence ☐ Yes ☐ No

Mailing Address _____
For Tax Notice _____
(If different) City _____ ST _____ Zip _____

SSN 000 - 00 - _____
SSN 000 - 00 - _____
FEIN 00 - 000 _____
Daytime Phone _____

Transfer to Trustee, Custodian, or other Representative:

Trust FEIN 00 - 000 _____
Minor SSN 000 - 00 - _____

PART 3 - PROPERTY DESCRIPTION

Please complete fully, if additional space is required, please attach a separate page

Legal Description: _____ Attachment ☐

Add/Sub _____ Block _____ Lot _____
County _____ City/Town _____ Section _____ Township _____ Range _____

PART 4 - TYPE OF TRANSFER

Please complete fully, more than one may apply.

Transfer by Recorded Instrument

☐ Sale ☐ Gift ☐ Barter ☐ Nominal or No Consideration ☐ Part of 1031 or 1033 exchange ☐ Transfer is subject to a reserved life estate

Transfer by Operation of Law

☐ Termination of joint tenancy by death ☐ Termination of life estate by death ☐ Court Decree ☐ Merger, consolidation, or other business entity reorganization

PART 5 - EXCEPTIONS FROM PROVIDING SALES PRICE INFORMATION

Please complete fully, more than one may apply

- | | |
|---|---|
| <input type="checkbox"/> Gift | <input type="checkbox"/> Transfer pursuant to court decree |
| <input type="checkbox"/> Transfer in contemplation of death without consideration | <input type="checkbox"/> Tax deed or sheriff's deed |
| <input type="checkbox"/> Transfer between husband/wife or parent/child for nominal consideration | <input type="checkbox"/> Foreclosure (include trustee transfer under trust indenture and deed in lieu of foreclosure) |
| <input type="checkbox"/> Transfer of property of the estate of a decedent | <input type="checkbox"/> Merger, consolidation or reorganization of business entity |
| <input type="checkbox"/> Transfer by government agency | <input type="checkbox"/> Timberland/Forestland exemption |
| <input type="checkbox"/> Correction, modification, or supplement of previously recorded instrument, no additional consideration | <input type="checkbox"/> Land eligible for Agricultural Classification (15-7-201, MCA) |
| <input type="checkbox"/> Termination of joint tenancy by death | <input type="checkbox"/> Transfer to a revocable living trust |
| <input type="checkbox"/> Termination of life estate by death | <input type="checkbox"/> Other (Specify Type) _____ |

PART 6 - SALE PRICE INFORMATION

Please complete fully, more than one may apply

Actual Sale Price \$ _____ Value of good will included in sale \$ _____
Financing: ☐ Cash ☐ FHA ☐ VA ☐ Contract ☐ Other _____
Terms: ☐ New loan OR ☐ Assumption of existing loan _____
Value of personal property included in sale \$ _____
Value of inventory included in sale \$ _____
Value of licenses included in sale \$ _____
Was an SID payoff included in the sale price? ☐ Yes ☐ No
Did the buyer assume an SID? ☐ Yes ☐ No
Amount of SID paid or assumed: \$ _____
Was a mobile home included in the sale? ☐ Yes ☐ No

PART 7 - WATER RIGHT DISCLOSURE -- This Disclosure is only applicable to the property identified in PART 3 above

- ☐ A. Property is served by a public water supply, i.e., city, irrigation district, or water district provides water. ☐ B. Seller has no water rights on record with DNRC to transfer. ☐ C. Seller is transferring ALL water rights on record with DNRC to the Buyer. ☐ D. Seller is dividing or exempting (reserving) water rights. Seller must file Water Right Update form.

Seller (Grantor) Signature _____ Date _____

PART 8 - PREPARER INFORMATION

Preparer's signature is required

Name/Title _____ (please print) Signature _____
Mailing Address _____ Daytime Phone _____
City _____ ST _____ Zip _____

Clerk and Recorder Use Only

Recording Information: Document # _____ Book _____ Page _____ Date _____
☐ Warranty ☐ Trust Deed ☐ Quit Claim ☐ Grant ☐ Contract for Deed ☐ Decree ☐ Interest
☐ Bargain & Sale Deed ☐ Notice of Purchaser's Interest ☐ Statement of Acknowledgement ☐ Termination of Joint Tenancy
☐ Tax Deed ☐ Beneficiary Deed ☐ Other _____

Department of Revenue Copy